

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION

|                             |   |                                    |
|-----------------------------|---|------------------------------------|
| KARA OUSLEY, an individual, | ) |                                    |
|                             | ) |                                    |
| Plaintiff,                  | ) |                                    |
|                             | ) |                                    |
| v.                          | ) | Civil Action No.: CV-12-RRA-0068-W |
|                             | ) |                                    |
| TUSCALOOSA COUNTY BOARD     | ) |                                    |
| OF EDUCATION, et al.,       | ) |                                    |
|                             | ) |                                    |
| Defendants.                 | ) |                                    |

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MEMORANDUM OPINION

The case comes before the court on Dr. Butch Young's motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. (Doc. 23.) On November 20, 2012, the magistrate recommended that "the motion to dismiss be GRANTED as to all claims against Dr. Young except the Section 1983 claims against him in his individual capacity." (Doc. 25, pp. 9-10.) No objection to that recommendation has been filed.

Having carefully reviewed *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the recommendation ought to be, and is, **ACCEPTED** and **ADOPTED** as the opinion of this court. The court specifically finds that, except as to the Section 1983 claims made against Dr. Young in his individual capacity, the Second Amended Complaint fails to state a claim upon which relief may be granted. As to those claims, the motion is due to be **GRANTED**. Otherwise, it is due to be **DENIED**.

An appropriate order will be entered separately.

DONE this 4th day of January, 2013.

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**VIRGINIA EMERSON HOPKINS**  
United States District Judge